



CNR: KAHC010752322025

NC: 2026:KHC:50798
MFA No. 8634 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL No. 8634 OF 2025

(MV-I)

BETWEEN:

KUM. SHYLAJA N
D/O. NARASIMHAPPA
NOW AGED ABOUT 23 YEARS
RESIDING AT : OBATTI VILLAGE
HALEPALYA POST, MALUR TALUK
KOLAR DISTRICT.

...APPELLANT

(BY SRI GOPALAKRISHNA N, ADVOCATE FOR
SMT. SUSHMITHA G, ADVOCATE)

AND:

Digitally Signed by
LAKSHMINARAYANA
MURTHY RAJASHRI
Location: HIGH
COURT OF
KARNATAKA

1. SRI V E RAMACHANDRA
S/O LATE K.R.ERAGAPPA
NOW AGED ABOUT 54 YEARS
RESIDING AT VOKKALERI
VILLAGE AND POST
KOLAR TALUK AND DISTRICT.
2. M/S. IFFCO-TOKIYO GENERAL
INSURANCE COMPANY LIMITED,
REGIONAL OFFICE, 5TH FLOOR
SRI SHANTHI TOWERS, 3RD MAIN
NGEF LAYOUT, KASTHURINAGAR



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BENGALURU – 560 043.
REP: BY ITS MANAGER.

...RESPONDENTS

(BY SRI MALLIKARJUNA REDDY N A, ADVOCATE FOR
SRI B PRADEEP, ADVOCATE FOR R2
V/O DTD. 17.09.2026, NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT,
AGAINST THE JUDGMENT AND AWARD DATED:09.09.2024
PASSED IN MVC No.5833/2021 ON THE FILE OF THE XIV
ADDITIONAL SMALL CAUSES JUDGE AND ACJM AND MEMBER,
MACT, BENGALURU (SCCH-10), PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.

THIS APPEAL, COMING ON FOR, THIS DAY, JUDGMENT
WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

1. This appeal is filed by the claimant seeking
enhancement of compensation awarded in the judgment
and award dated 09.09.2024 passed in MVC No.
5833/2021 by the XIV Additional Small Causes Judge and
Member, MACT, Bengaluru (SCCH-10).

2. Appellant – claimant made a claim petition
praying to award compensation for the injuries sustained
by him in a road traffic accident that occurred on



26.02.2021 due to the rash and negligent driving by the driver of tipper lorry bearing registration No. KA-50-0473. The Tribunal after recording evidence, appreciating the evidence on record, assessed the compensation and awarded compensation under different heads as under:

1	Medical expenses	Rs.1,22,500/-
2	Pain and suffering	Rs.30,000/-
3	Nourishment and diet food	Rs.10,000/-
4	Loss of amenities	Rs.20,000/-
5	Loss of future earnings	Rs.1,00,000/-
	Total	Rs.2,82,500/-

3. The Tribunal has also awarded interest at the rate of 6% p.a. from date of petition till the date of realization and directed respondent No. 2 – Insurer to deposit the said award amount with interest. Claimant seeking enhancement of the compensation awarded, has filed the present appeal.

4. Heard learned counsel for appellant – claimant and learned counsel for respondent No. 2 – Insurer.



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5. The accident occurred on 26.02.2021 and as on the date of accident the claimant was aged 19 years. Claimant had sustained the following injuries:

- i. Comminuted fracture and dislocation of patella at right knee
- ii. Lacerated wound with tibial tuberosity avulsion

6. Considering the said injuries, the compensation awarded towards 'pain and suffering' by the Tribunal in a sum of Rs.30,000/- is enhanced to Rs.50,000/- and 'loss of amenities' awarded in a sum of Rs.20,000/- is enhanced to Rs.30,000/-.

7. P.W.4 is the Doctor who has examined the claimant and assessed the disability and stated that the claimant is having 36% disability to the right lower limb and 12% to the whole body. The Tribunal has taken the disability at 10%. The Tribunal in paragraph No. 38 has observed that normally permanent disability of a particular limb will be $\frac{1}{3}^{\text{rd}}$ of the disability of the whole body. In



spite of observing the same, the Tribunal has not taken 1/3rd of the disability to the limb as disability to the whole body. Therefore, the disability to be taken is 12% (1/3rd of 36%).

8. The accident occurred in the year 2021 and notional income fixed for the said year by the Karnataka State Legal Services Authority is Rs.15,000/- per month and said income is to be taken.

9. Considering the age of the claimant, multiplier applicable is `18'. In view of the above, loss of future income is calculated as under:.

$$15,000 \times 12 \times 18 \times 12\% = \text{Rs.}3,88,800/-$$

10. The Tribunal has not awarded compensation towards `loss of income during laid up period'. Claimant is stated to be doing tailoring work. Considering the injuries sustained by the claimant, she had to take rest at least for 2 months. Therefore claimant is entitled to `loss of income



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during laid up period' in a sum of Rs.30,000/- (Rs.15,000 X 2 months).

11. Claimant was admitted in the hospital for 11 days and therefore entitled to attendant and conveyance charges, in a sum of Rs.11,000/- (Rs.1,000 X 11 days) as against Rs.10,000/- awarded by the Tribunal towards nourishment and diet food.

12. The Tribunal has rightly awarded medical expenses.

13. In view of the above, claimant is entitled to total compensation under various states as under:

1	Medical expenses	Rs.1,22,500/-
2	Pain and suffering	Rs.50,000/-
3	Attendant charges, nourishment and diet food	Rs.11,000/-
4	Loss of amenities	Rs.30,000/-
5	Loss of future earnings	Rs.3,88,800/-
6	Loss of income during laid up period	Rs.30,000/-
	Total	Rs.6,32,300/-



14. The claimant is entitled to total compensation of Rs.6,32,300/- as against Rs.2,82,500/- awarded by the Tribunal with interest. Consequently claimant is entitled to enhanced compensation of Rs.3,49,800/- with interest at the rate of 6% p.a. from the date of petition till the date of realization. Claimant is not entitled to interest for the delay period of 341 days in filing the appeal as per order dated 13.01.2026 passed on I.A. No. 1/ 2025. Respondent No. 2 - Insurer is liable to pay the said enhanced compensation with interest.

15. In view of the above, the following;

ORDER

- a) Appeal is allowed in part.
- b) Appellant - claimant is entitled to enhanced compensation of Rs.3,49,800/- with interest at the rate of 6% p.a. from the date of petition till the date of realization.
- c) Appellant - Claimant is not entitled to interest for the delay period of 341 days.



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- d) Respondent No. 2 – Insurer shall deposit the enhanced compensation with interest before the Tribunal within six weeks from this day.
- e) Appellant - claimant is entitled to release of entire enhanced compensation.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS
List No.: 1 SI No.: 5
Ct.sm